

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR JAMES PINTO,

Defendant.

Hon. Janet T. Neff

Case No. 1:19-cr-00276

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a four-count Indictment. Counts 1 and 4 charge him with possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); count 2 charges him with felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); and count 3 charges him with possession of a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis the he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on December 5, 2019, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral

submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of non-appearance. The Court also finds, as explained on the record, that the government has sustained its burden by clear and convincing evidence that he is a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on December 6, 2019.

Date December 6, 2019

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge